



TOWN OF EAST HAMPTON

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East Hampton, New York 11937-2684

Planning Department
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July 8, 2020

To: Planning Board

From: JoAnne Pahwul, AICP
Planning Director

Re: Nick Cohen Artist Studio Application
10 Lafayette Place, Springs
SCTM#300-94-02-10

An application has been submitted to construct a 26' x 40', or 1,094 sq. ft. artist studio on a vacant 25,222 sq. ft. parcel situated on Lafayette Place in Springs in a B Residence zoning district. The applicant is in contract to purchase the parcel and owns and resides on an adjoining parcel containing a single family residence.

§255-11-88 of the Town Code, revised in 2019, sets regulations for artist studios and provides that the Planning Board shall review and approve such.

Artist Documentation

The Town Code requires the following documents to demonstrate that the applicant is a working artist.

- Description of the applicant's art form
- Professional fine art resume
- Documentation relevant to the applicant's art form
- Three letters of reference attesting to the artistic nature of the artist's work

The information related to the applicant's work that has been submitted is attached for the Board's review.

§255-1-20 (Definitions) of the Town Code provides the following definition.

FINE ARTS

The study and creation of visual works of art requiring highly developed techniques and skills. Such art forms include, but are not limited to, painting, sculpture, printmaking, ceramics and photography.

Limitations on Size of Studio

Limited to Accessory Structure Size

§255-11-88 (1) of the Town Code limits the size of the artist studio to that of a legal accessory structure, or 600 sq. ft., unless the applicant demonstrates to the Planning Board the need for a larger size structure. If a larger structure is proposed, the Planning Board needs to determine that:

- the property constraints make it difficult or impractical to construct a studio that is attached to the principal building or to construct a studio that conforms to the size of an accessory structure;
- the applicant has justified the need for a larger studio based on the applicant's art form and the scope or size of the work;
- the size is compatible with the residential neighborhood.

Limitation if Board finds larger size is warranted

If the Board makes a finding that the larger structure is justified the following additional limitations on the size of the artist studio apply:

- a) no such Artist's Studio shall in any case exceed the lesser of:
 - (a) The gross floor area of the ground floor of the residence, or 1,040 sq. ft.
 - (b) An area equal to 5% of the area of the lot, or 1,261 sq. ft.
 - (c) Two thousand five hundred square feet.

For this site, (a) or 1,041 sq. ft. is the lesser of the standards and appears to apply to the application and a 26' x 40', or 1,040 sq. ft. studio is proposed.

It is noted that in this situation, since the studio will be tied to the residence on the adjoining parcel and the Town's records indicate that the footprint of this building is 1,040 sq. ft. the size of the proposed studio should not exceed that.

Accessory Structure Without Principal Structure

Artist studio considered to be an accessory use and therefore the proposal would result in an accessory structure on a lot without a principal use and would be subject to the following provisions of the Town Code.

§255-11-20 Accessory Buildings, structures and uses

C. Preexistence of a main building. No accessory building or structure shall be constructed upon a lot or plot unless a main building or principal use already exists thereon. This restriction shall not be deemed to apply to agricultural buildings and structures. However, where a property owner owns two or more contiguous conforming residential lots in common ownership, at least one of which is improved with a single-family dwelling, an accessory building or structure may be constructed on any vacant contiguous lot, provided that the applicant demonstrates the existence of sufficient buildable area to construct a principal structure on the lot upon which the accessory structure is to be constructed. Should common ownership of the contiguous lots cease, either the accessory building or structure must be removed within nine months or the owner

of the lot without a principal structure must obtain a building permit for a principal building or structure within nine months. For purposes of this provision, common ownership shall be deemed to refer to:

- (1) Title to contiguous properties being held in the same name(s);
- (2) Title to contiguous properties being held by a married or registered domestic couple with any combination of one or both names on either deed; or
- (3) A married or registered domestic couple holding title to one or both of the contiguous properties in the name of a corporation, limited-liability company trust, family limited partnership or similar entity.

Limitation on Plumbing

§ 255-11-88 (2) of the Town Code provides that an artist studio may have a sink but shall have no bath, shower, toilet or other plumbing. Dimensioned floor plans of the studio that depict the interior space and have been submitted and depict a sink and no other plumbing and contain a notation that “no bath, shower, toilet or plumbing other than that for a sink is permitted”.

Covenants & Restrictions

If the artist studio is approved, the applicant will be required to record the attached covenants and restrictions that include among other provisions that the studio shall not be used at any time for sleeping or living purposes, shall not be rented for any purpose, except as part of the rental of the entire property, and that no commercial exhibits, commercial classes, or other public events shall be permitted. A copy of a standard C & R for artist studios is attached.

Summary

The Board first needs to consider the material submitted and whether the applicant can be considered a working artist. The applicant requests a 1,040 sq. ft. artist studio that exceeds 600 sq. ft. maximum size of an accessory structure allowed under zoning. Therefore, the Board secondly needs to determine whether a separate structure, rather than an attachment to the existing residence, is warranted and whether the size is justified based on the artist's work. If these determinations are made, the proposal appears to meet the remaining regulations for an artist studio.



THE TOWN
OF
EAST HAMPTON
NICK COHEN
ARTIST STUDIO

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THE TOWN OF EAST HAMPTON
Suffolk County, New York
Dept. of Information Technology
Date Prepared: July 2020

FILED JUNE 23, 1911 AS MAP NO. 16

SPRINGS, TOWN OF EAST HAMPTON
SUFFOLK COUNTY, N.Y.

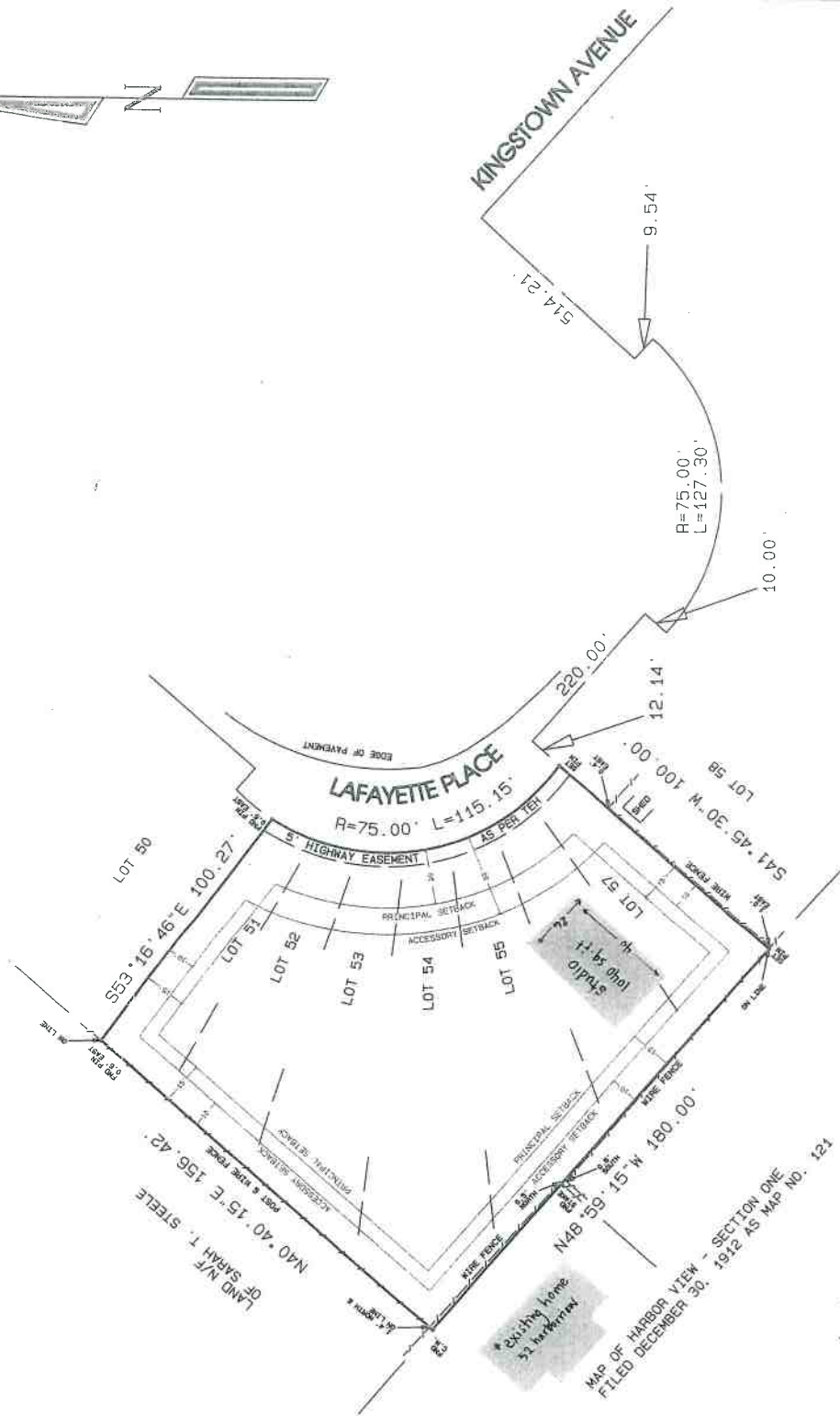
SCALE: 1"=40'
TAX MAP REF: 0300-94-02-10
LOT AREA: 25,222.50 SQ FT
OR 0.58 ACRE

LOT AREA	25,222.50 SQ FT
LOT COVERAGE	PERMITTED: 5,044.5 SQ FT 20%
EXISTING:	N/A
PROPOSED:	N/A
TOTAL LOT COVERAGE	PERMITTED: 12,611.25 SQ FT 50%
EXISTING:	N/A
PROPOSED:	N/A
CLEARING	PERMITTED: 16,305.6 SQ FT
EXISTING:	OR N.R.S.P.
PROPOSED:	0 SQ FT
PROPOSED:	N/A

SURVEYED JANUARY 15, 2020
JAMES P. WALSH LAND SURVEYOR, P.C.
MONTAUK, N.Y.

P. W. L. S.

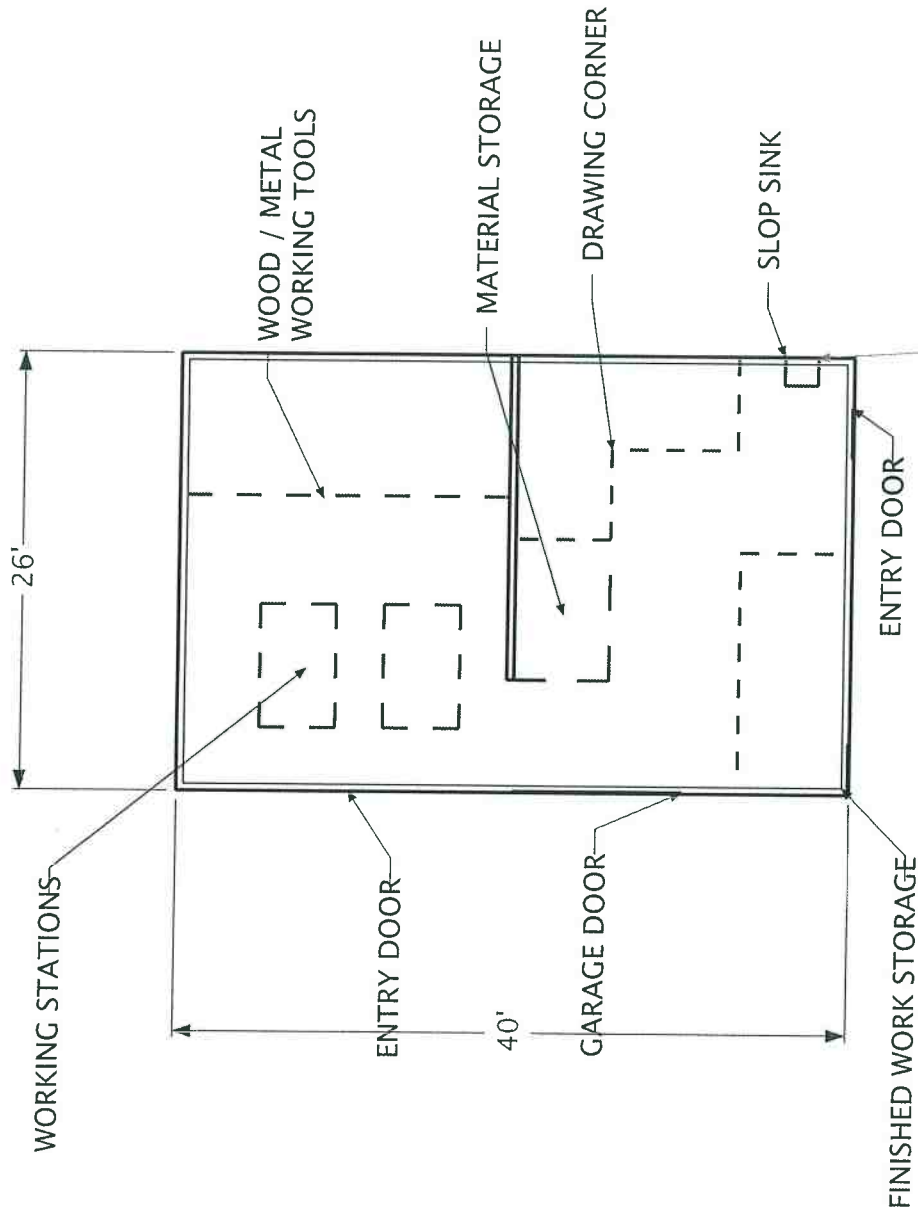
CERTIFIED TO:
NICK COHEN



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EASEMENTS, RIGHT OF WAYS, UNDERGROUND UTILITIES, WETLANDS, AND/OR SANITARY FACILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN, LOCATED AND/OR GUARANTEED.

10 LAFAYETTE PL.



* NO BATH, SHOWER, TOILET OR PLUMBING OTHER THAN SINK

RECEIVED

JUL -9 2020

PLANNING BOARD

RECEIVED

JUL - 9 2020

PLANNING BOARD

Date: June 18th, 2020

To: Samuel Kramer, Planning Board Chairman & JoAnne Pahwul, ACIP Planning Director

From: Nick Cohen

Re: Cohen Artist Studio Application, 10 Lafayette Place, SCTM#300-94-02-10

In response to the request for additional information, as it pertains to the application for an artist studio permit for Nick Cohen at 10 Lafayette Place in East Hampton, please see below.

Re Point 1: *A survey of the parcel depicting the dimensioned footprint of the studio.*

- Please see survey attached with updated footprint.

Re Point 2: *Dimensioned floor plans of the studio that depict the interior space and any proposed plumbing. § 255-11-88 (2) of the Town Code provides that an artist studio may have a sink but shall have no bath, shower, toilet or other plumbing. The floor plan should contain a notation that "no bath, shower, toilet or plumbing other than that for a sink is permitted". The floor plans can be in sketch form.*

- Please see floorplans attached detailing no plumbing, aside from slop sink, and depicting interior space of proposed studio.

Re Point 3: *255-11-88 (1) of the Town Code limits the size of the artist studio to 600 sq. ft. unless the applicant demonstrates to the Planning Board the need for a larger size structure.*

- My current studio, at 2,400 square feet, enables me the space for particular tools and materials, including larger wood and metal, to produce large scale sculptural works (as depicted in my submitted portfolio of work).
- The unique opportunity to combine work and home – with the property adjacent to us in contract, if granted the studio permit I will be able to purchase - is incentive enough to downsize my workspace in exchange for the opportunity to have my studio as part of an overall vision for my life, work and home.
- Under the condition that I am granted the artist studio, I can scale down significantly, and my hope is that the town will approve the extra space requested: which reflects 1,040 square feet -not exceeding the floorplan of the existing adjacent structure, my home (see point 5 below).
- The extra space will allow me to construct and execute my visions at scale.

Re Point 4: It is noted that the production of furniture does not appear to be defined as fine arts under §255-1-20 (Definitions) of the Town Code.

- By the town's own definition of FINE ARTS ("The study and creation of visual works of art requiring highly developed techniques and skills. Such art forms include, but are not limited

to, painting, **sculpture**, printmaking, ceramics and photography”), **sculpture** is included. Furthermore, I would attest that wood and metal work as an artform, functional or not, is one of the greatest fine art expressions there is, and a highly developed technique that requires both skill and artistic vision.

- Donald Judd’s career is an example of artistic expression transformed in both form and function. Judd started as a painter and transitioned into furniture fabrication to express his fine art form through functional design. His work has been lauded by critics and sits on exhibit at galleries such as Gagosian and David Zwirner next to other fine artists. His retrospective exhibition is currently on view at MoMa.
- Another example of a fine artist expression via woodwork, Wharton Esherick brought modern woodworking into the realm of fine art starting in the late 1920s. Esherick began his career as a painter, but when he turned his attention to utilitarian objects such as chairs, bowls, tables, he became widely renowned. He later went on to fulfill commissions for everything from flagpoles to interior treatments, wall panels and shelves, even sofas – all deemed as art. He believed, as do I, that the approach to sculptural design is a balance of physical and abstract expressionism, similar to that explored in painting and other fine arts. His words ring true: “If I can’t make something beautiful out of what I find in my own backyard, I have better not make anything.”
- Dia Art Foundation, which is committed to advancing, realizing, and preserving the vision of artists, exhibits predominantly sculpture and light installations. Dia fulfills its mission by commissioning single artist projects and exhibitions that include on-site installations. Their grounds are host to a focused group of sculptors, fabricators, and artist expressions of the 1960s and 1970s, many of whom fall into the category of wood and metal work expressionism.
- Upon a generic Google search, it is found “historically, the five main **fine arts** were painting, **sculpture**, architecture, music, and poetry.” The art world is evolving and along with it are the techniques, mediums and ways of artistic expression. Our community has always fostered the arts, and Springs in particular is a place of monumental inspiration and historically renowned artisans. I feel my addition to the threads of this community are exhibited through my works, through my dedication to the arts, and to fostering a continued pledge to the artistic community of our town. I hope you will share my passion for preserving these artistic corners of our landscape.

Re Point 5: Size of studio cannot exceed the footprint of the residence. In this situation, since the studio will be tied to the residence on the adjoining parcel and the Town’s records indicate that the footprint of this building is 1,040 sq. ft. the size of the proposed studio should not exceed that.

- Please see resubmitted floorplan and survey depicting art studio at 1,040 square foot scale.

I am available, via cell (631) 433-4926 or email nickbcohen@gmail.com should you have any further questions, concerns or inquiries.

I look forward to hearing from you.

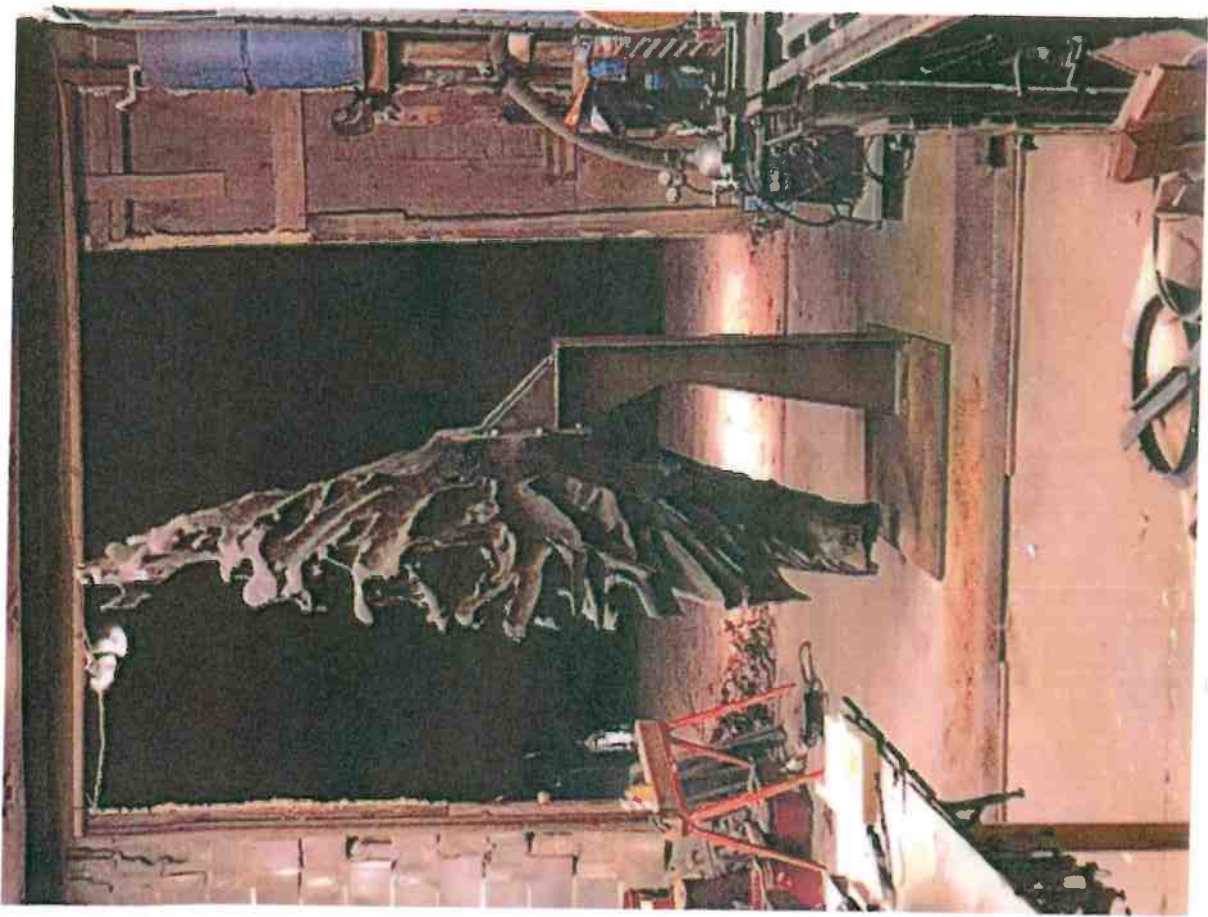
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JUL - 9 2020

PLANNING BOARD

NICK COHEN

PORTFOLIO OF WORK
ADDENDUM



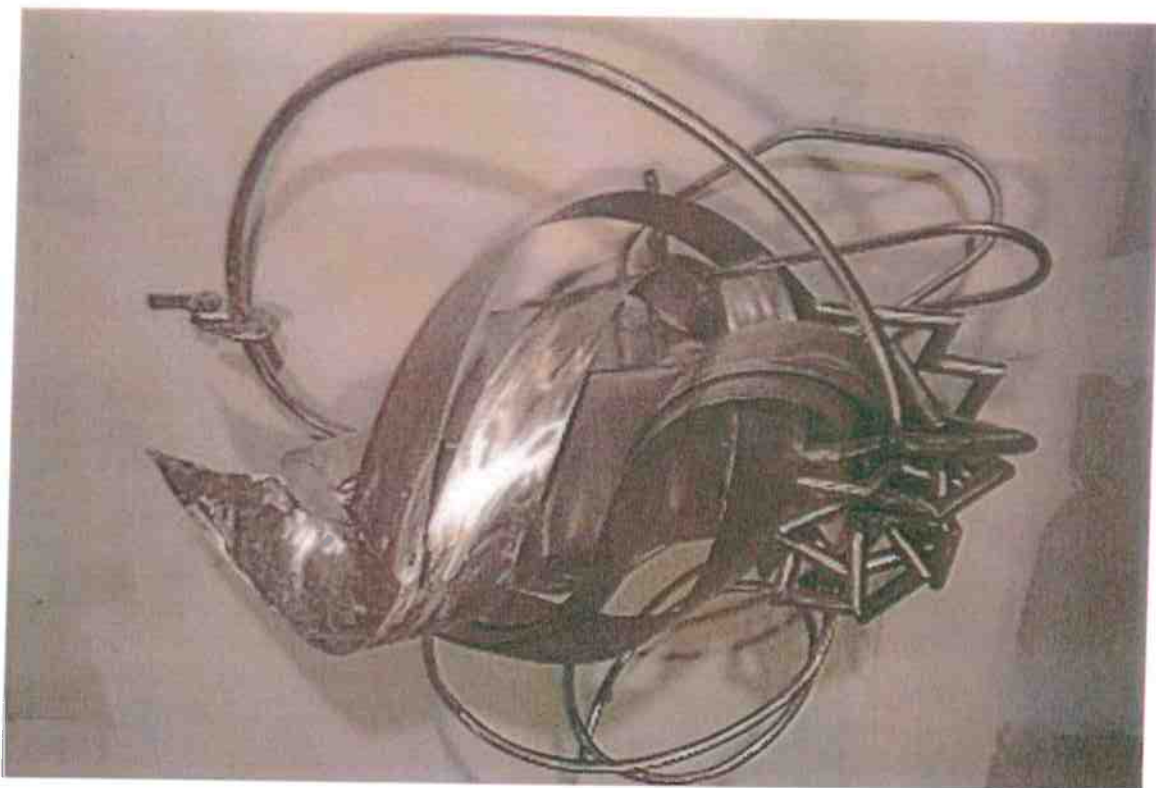
TEAK & STEEL SCULPTURE



WELDED STEEL & ENAMEL SCULPTURE



AMERICAN WALNUT & BRONZE TABLE



STAINLESS STEEL HANGING SCULPTURE

ARTIST'S STUDIO

[Amended 3-16-1990 by L.L. No. 3-1990; 10-6-2006 by L.L. No. 25-2006]:

(1) An artist's studio, as defined in § 255-1-20, shall not contain more than one story which may be situated above a garage or other conforming accessory structure, shall not be of greater height together with any ground level garage or other conforming accessory structure than such residence and shall not have a gross floor area greater than:

(a) The gross floor area of the ground floor of the residence;

(b) An area equal to 5% of the area of the lot; or

(c) Two thousand five hundred square feet, whichever is lesser.

(2) An artist's studio may have a sink or sinks, but shall have no bath, shower, toilet or other plumbing of any kind and shall not contain any kitchen appliances, but may have a microwave and coffee maker.

(3) No artist's studio shall be constructed, moved onto or otherwise brought into being on any residential property nor shall any building permit be granted therefor nor shall the same be put to use unless and until the Town Board shall have:

(a) Reviewed and accepted an application filed by the individual which shall enable the Town Board to evaluate the applicant's degree of commitment to his/her fine art form which is professional in nature, establishes both his/her serious, consistent commitment to the arts and current engagement in his/her art form on an ongoing basis. Hobbyists and others for whom fine arts is not their primary professional work are generally ineligible. The following information must be included with the application, with no single element serving as a deciding factor:

[1] A description of the applicant's art form;

[2] A professional fine arts resume pertinent to the applicant's work which may include educational background, professional training, public exhibitions, critical reviews, grants and awards;

[3] Documentation appropriate to the applicant's particular art form which should reflect a body of work, including recent work, which may include, but is not limited to, photographs of his/her work, exhibition announcements and catalogue reviews; and

[4] Three letters of reference attesting to the artistic nature of the applicant's work.

(b) Accepted a duly executed and recordable instrument, in a form acceptable to the Town Attorney, establishing

(b) Accepted a duly executed and recordable instrument, in a form acceptable to the Town Attorney, establishing covenants and restrictions as set forth herein.

(4) No building permit shall be issued for an artist studio until such application has been approved by resolution by the Town Board pursuant to Subsection (3) above; and the Building Inspector has received proof that the owner/applicant has recorded the covenants and restrictions in the office of the Suffolk County Clerk. The covenants and restrictions must provide that:

(a) The studio shall not be rented or sold to any person for any purpose, except as part of a rental or sale of the entire property.

(b) The structure shall not be used at any time for sleeping or living purposes.

(c) The studio shall be used only for painting, drawing, sculpting or other similar activities involving the crafting or manipulation of materials into objects of fine art by one or more members of the family of the owner or tenant of the residence located on the property.

(d) In the event that the studio is not, cannot or will not be employed for the purpose or use set forth herein for more than six months, the artist, or a representative thereof, must notify the East Hampton Town Building Department in writing. At the request of the artist, the Town Board may permit a studio use to remain vacant for more than six months upon a finding of extenuating circumstances based upon information attested to by the approved artist. Absent that finding, either the new artist occupying the studio must submit an application pursuant to Subsection (3) herein or such studio shall be removed from the property or demolished, or the plumbing existing therein removed, and such studio, if oversized, shall be reduced to a conforming size and put to a conforming use, at the sole expense of the property owner.

(e) There shall be no commercial exhibits of art open to the public on the property and no additional parking may be constructed on site to service the studio, except those exhibits that are a part of an organized and advertised tour of artist's studios.

(f) The owner or renter of the property hereby consents to an annual inspection of the artist studio upon reasonable notice by the Building Department or the Ordinance Enforcement Department for compliance with these provisions and may also be subject to inspection upon reasonable notice by Code Enforcement as part of an investigation in response to a complaint.

(g) All applicable rules and regulations in the Town Code, as the same may from time to time be amended, regarding such studios and their uses shall at all times be adhered to.

(h) Failure to comply with any artist studio restriction may subject the owner or tenant to the penalties contained in the East Hampton Town Code.

(5) Upon conviction for one violation for having converted the artist's studio into living quarters, the Building Inspector, upon certification of those convictions, must either revoke the certificate of occupancy issued for the artist studio and refer the matter to the Zoning Board of

Appeals for proceedings consistent with § 102-15B; or refer the matter to the Town Board to seek the revocation of the certificate of occupancy issued for the artist studio through New York State Supreme Court. The Building Inspector must require that the artist studio be removed, demolished or converted to a conforming use within a time period specified by the Building Inspector. An application to reinstate the artist studio may not be made for a period of five years following revocation of the certificate of occupancy.

ARTIST'S STUDIO DECLARATION

THIS DECLARATION, made as of this _____ day of _____, by

_____ residing at _____

_____ here there after referred to
as the "DECLARANT," as owner of the premises described herein.

WITNESSETH

WHEREAS, DECLARANT is the owner of certain real property situate at
_____, Town of East Hampton, County of Suffolk,
and State of New York, described as follows:

[INSERT METES AND BOUNDS DESCRIPTION OF LAND OR REFER TO SCHEDULE A]

WHEREAS, DECLARANT is desirous of constructing a detached artist's studio
on the subject property in compliance with Sections 255-1-20 and 255-11-88 and all
other applicable provisions of the Town of East Hampton Zoning Code;

NOW, THEREFORE, in conformance with said Section 255-11-88 of the Town
of East Hampton Zoning Code, DECLARANT hereby makes known, admits, publishes,
covenants, and agrees, that the artist's studio to be constructed on the subject property
shall be constructed in conformance with all applicable provisions of the Town Zoning
Code and shall at all times comply with the following restrictions and limitations:

- (I) An artist's studio, as defined in § 255-1-20, shall not contain more than one
story which may be situated above a garage or other conforming accessory
structure, shall not be of greater height together with any ground level garage
or other conforming accessory structure than such residence and shall not

have a gross floor area greater than:

- a. The gross floor area of the ground floor of the residence;
 - b. An area equal to 5% of the area of the lot; or
 - c. Two thousand five hundred square feet, whichever is lesser.
- (2) An artist's studio may have a sink or sinks, but shall have no bath, shower, toilet, or other plumbing of any kind and shall not contain any kitchen appliances, but may have a microwave and coffee maker.
- (3) The studio shall not be rented or sold to any person for any purpose, except as part of a rental or sale of the entire property.
- (4) The structure shall not be used at any time for sleeping or living purposes.
- (5) The studio shall be used only for painting, drawing, sculpting or other similar activities involving the crafting or manipulation of materials into objects of fine art by one or more members of the family of the owner or tenant of the residence located on the property.
- (6) In the event that the studio is not, cannot or will not be employed for the purpose or use set forth for six (6) months, the artist, or a representative thereof, must notify the East Hampton Town Building Department in writing. At the request of the artist, the Town Board may permit a studio use to remain vacant for more than six (6) months upon a finding of extenuating circumstances based upon information attested to by the approved artist. Absent that finding, either the new artist occupying the studio must submit an application pursuant to Section 255-11-88 of the East Hampton Town Code or such studio shall be removed from the property or demolished, or the

plumbing existing therein removed, and such studio, if oversized, shall be reduced to a conforming size and put to a conforming use, at the sole expense of the property owner.

- (7) There shall be no commercial exhibits of art open to the public on the property except those exhibits that are a part of an organized and advertised tour of artist's studios. There shall be no additional parking may be constructed on site to service the studio.
- (8) The owner or renter of the property hereby consents to an annual inspection of the artist studio upon reasonable notice by the Building Department or the Ordinance Enforcement Department for compliance with these provisions. The studio may also be subject to inspection upon reasonable notice by Code Enforcement as part of an investigation in response to a complaint.
- (9) All applicable rules and regulations in the Town Code, as the same may from time to time be amended, regarding such studios and their uses shall at all times be adhered to.
- (10) Failure to comply with the any artist studio restriction may subject the owner or tenant to the penalties contained in the East Hampton Town Code.
- (11) Upon conviction for one (1) violation for having converted the artist's studio into living quarters, the Building Inspector, upon certification of those convictions, must either: (i) revoke the certificate of occupancy issued for the artist studio and refer the matter to the Zoning Board of Appeals for proceedings consistent with Section 102-15B of the East Hampton Town Code; or (ii) refer the matter to the East Hampton Town Board to seek the

revocation of the certificate of occupancy issued for the artist studio through New York State Supreme Court. The Building Inspector must require that the artist studio be removed, demolished or converted to a conforming use within a specific time period. An application to reinstate the artist studio may not be made for a period of five years following revocation of the certificate of occupancy.

- (12) In the event of failure by Declarant, or Declarant's successors or assigns, to comply with subparagraph (11) above, the Building Inspector shall, in addition to taking any other remedies or actions permitted by law, notify the Town Assessor, who shall make an appropriate adjustment to the assessed value for the subject property.
- (13) Nothing in this instrument shall be deemed to preclude the Town from exercising any particular legal or equitable remedy otherwise available to it to enforce the provisions hereof.
- (14) Town of East Hampton has approved and consented to the filing and/or recording of the Declaration in its present form and this Declaration may not be terminated, revoked, or abandoned, nor may any of its terms, restrictions, provisions, or conditions be amended or modified in any manner, without the prior written consent of the Town of East Hampton.
- (15) In the absence of such prior written consent by the Town of East Hampton, the terms, restrictions, provisions, and conditions of this Declaration shall continue to apply to the structure hereby designated as an artist's studio, regardless how or whether that structure is hereafter enlarged, modified, or in

any way altered by Declarant or Declarant's successors in interest who are all bound by this declaration.

- (16) The Declarant must record this Declaration at the Office of the Suffolk County Clerk.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be duly executed as of the date and year first above written.

(Declarant)

ACKNOWLEDGEMENT

STATE OF NEW YORK)

COUNTY OF)

On the _____ day of _____ in the year _____
before me the undersigned appeared known to me or proved to me on the basis of satisfactory evidence to the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RECORD AND RETURN TO:

Town Clerk
Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937

Approved as to Form, Content,
And Execution

Town Attorney